

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY)	
KENTUCKY, INC. FOR A CERTIFICATE OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY AUTHORIZING THE)	2016-00168
CONSTRUCTION OF A GAS PIPELINE FROM)	
WALTON, KENTUCKY TO BIG BONE, KENTUCKY)	

ORDER

On May 11, 2016, Duke Energy Kentucky, Inc. (“Duke Kentucky”) filed a petition (“Petition”), pursuant to KRS 61.878(1)(m)(1)(f) and (1)(g), and pursuant to 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection for a period of ten years for pages 318–323 and 327–363 of Exhibit 2.c., pages 319–323 and 328–364 of Exhibit 2.d., and pages 5–40 of Exhibits 4.a., and pages 4–8 of Exhibit 4.b. attached to its Application.

In support of its Petition requesting confidential protection, Duke Kentucky states that the designated material includes engineering drawings showing the exact route, location, depths, pressures, and nature of the proposed construction (“Critical Infrastructure Information”) of a natural gas pipeline from Walton, Kentucky, to Big Bone, Kentucky. Duke Kentucky asserts that the release of the designated material would threaten public safety by providing precise locations of critical utility infrastructure that could be used and exploited to the detriment of the safety of the general public. Duke

Kentucky further states that this information is not known outside of Duke Kentucky and is distributed within Duke Kentucky only to those employees who must have access for business reasons, and that the information is generally recognized as confidential and proprietary in the gas industry.

Having considered the Petition and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary information which, if openly disclosed, could result in a threat to the public safety, and thus is exempted from public disclosure pursuant to KRS 61.878(1)(m)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's Petition for confidential protection for designated material contained in the Critical Infrastructure Information is granted.
2. The designated material set forth in the Critical Infrastructure Information shall not be placed in the public record or made available for public inspection for ten years, or until further Orders of the Commission.
3. Use of the designated material in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. Duke Kentucky shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential protection.
5. If a non-party to this proceeding requests to inspect material granted confidential protection by this Order and the period during which the material has been

granted confidential protection has not expired, then Duke Kentucky shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878(1)(m)(1). If Duke Kentucky is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential protection in order to allow Duke Kentucky to seek a remedy afforded by law.

By the Commission

ENTERED
JUL 27 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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